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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2008 66301

KHALID A. KAMAL, P.T.
6442 Bright Nimbus Avenue
Las Vegas, Nevada 89139

A C C U S A T I O N

Physical Therapist No. PT 32962

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.
2. On or about July 26, 2006, the Physical Therapy Board of California issued Physical Therapist No. PT 32962 to Khalid A. Kamal, P.T. (Respondent). At all times relevant to this proceeding, said license has been in full force and effect and will expire on March 31, 2010 unless renewed.

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws.
All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states that the board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

* * *

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

6. Section 2661 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

7. Section 2661.5 of the Code states:

(a) In any order issued in resolution of a disciplinary proceeding before the board, it may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

1 (b) The costs to be assessed shall be fixed by the administrative law judge
2 and shall not in any event be increased by the board. When the board does not
3 adopt a proposed decision and remands the case to an administrative law judge,
4 the administrative law judge shall not increase the amount of the assessed costs
5 specified in the proposed decision.

6 (c) When the payment directed in an order for payment of costs is not
7 made by the licensee, the board may enforce the order of payment by bringing an
8 action in any appropriate court. This right of enforcement shall be in addition to
9 any other rights the board may have as to any licensee directed to pay costs.

10 (d) In any judicial action for the recovery of costs, proof of the board's
11 decision shall be conclusive proof of the validity of the order of payment and the
12 terms for payment.

13 (e) (1) Except as provided in paragraph (2), the board shall not renew or
14 reinstate the license or approval of any person who has failed to pay all of the
15 costs ordered under this section.

16 (2) Notwithstanding paragraph (1), the board may, in its discretion,
17 conditionally renew or reinstate for a maximum of one year the license or
18 approval of any person who demonstrates financial hardship and who enters into a
19 formal agreement with the board to reimburse the board within that one year
20 period for those unpaid costs.

21 (f) All costs recovered under this section shall be deposited in the
22 Physical Therapy Fund as a reimbursement in either the fiscal year in which the
23 costs are actually recovered or the previous fiscal year, as the board may direct.

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1 8. California Code of Regulations, title 16, section 1399.20, states:

2 For the purposes of denial, suspension or revocation of a license, pursuant to
3 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
4 considered to be substantially related to the qualifications, functions or duties of a person
5 holding a license under the Physical Therapy Practice Act if to a substantial degree it
6 evidences present or potential unfitness of a person to perform the functions authorized
7 by the license or approval in a manner consistent with the public health, safety or welfare.
8 Such crimes or acts shall include but not be limited to the following:

9 * * *

10 (b) Conviction of a crime involving fiscal dishonesty arising out of or in
11 connection with the practice of physical therapy.

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13 **CAUSE FOR DISCIPLINE**

14 **(Conviction of a Crime)**

14 **[Bus. & Prof. Code, §§ 2660, subd. (d); 2661; Cal. Code Regs., tit. 16, § 1399.20, subd. (b)]**

15 9. Respondent is subject to disciplinary action under sections 2660,
16 subdivision (d), 2661, and California Code of Regulations, title 16, section 1399.20, subdivision
17 (b) in that he was convicted of misdemeanor failure to file tax returns in violation of California
18 Revenue and Taxation Code section 19701, subdivision (a). The circumstances are as follows:

19 10. On or about May 19, 2008, a First Amended Felony Complaint was filed
20 in the matter of *The People of the State of California v. Khalid Abdullah Kamal* in Los Angeles
21 County Superior Court Case No. BA331863. The felony Complaint alleged that Respondent had
22 committed fourteen (14) counts of health benefits fraud in violation of Penal Code section 550,
23 subdivision (a)(6), one (1) count of grand theft in violation of Penal Code section 487,
24 subdivision (a), two (2) counts of unlawful remuneration in violation of Welfare and Institutions
25 Code section 14107.2, subdivision (a), three (3) counts of money laundering in violation of Penal
26 Code section 186.10, subdivision (a)(1), and two (2) counts of tax evasion in violation of
27 Revenue and Taxation Code section 19706.

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11. On June 24, 2008, the Complaint was amended to include misdemeanor failure to file tax returns in violation of Revenue and Taxation Code section 19701, subdivision (a). Respondent was convicted by plea of misdemeanor failure to file tax returns, placed on three years formal probation, and ordered to pay a direct victim restitution fine in the amount of \$131,056.

12. Respondent's conviction for failure to file tax returns is substantially related to the qualifications, functions, or duties of a physical therapist within the meaning of sections 2660, subdivision (d), 2661, and California Code of Regulations, title 16, section 1399.20, subdivision (b).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist No. PT 32962, issued to
Khalid A. Kamal, P.T.;

2. Ordering Khalid A. Kamal, P.T. to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5; and

3. Taking such other and further action as deemed necessary and proper.

DATED: _____

STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant